IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13904 of 2005

Between:

Achanta Nageswara Rao, S/o.Suryanaraya,
Vendra (V), Pedapudi (M), East Godavari Dist.

..... PETITIONER

AND

1 The Revenue Divisional officer, Kakinada, East Godavari District.
2 Sri Venugopala Swamy Temple, rep.by its Executive officer, Vendra (V), Pedapudi(M), East Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction or directions more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent seeking to acquire the land in survey No. 190/1 to the extent of 3 acres situated in vendra (V), Pedapudi (M) East Godavari District as illegal, arbitrary and violative of Art.14 and 19(1)(g) of the Constitution of India apart from in violation of section -9 of the land Acquisition Act 1894, and further declare that the petitioner is entitled for notice under sec-9 of the Land Acquisition Act and also part of the compensation out of the amount awarded.

Counsel for the Petitioner: MR.M.VIJAY KUMAR

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Ms. N. INDRANI

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed seeking to declare the action of the first respondent in trying to acquire the land in Survey No.190/1 to an extent of Ac.3-00 situated in Vendra Village, Pedapudi Mandal, East Godavari District, by issuing notification under Section 4 (1) of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') as illegal and arbitrary and contrary to Section 9 of the Act.

It is stated that the father of the petitioner and the petitioner are eking out their livelihood by cultivating the land belonging to the second respondent to an extent of 5.72 cents in Vendra Village, Pedapudi Mandal, East Godavari District, as tenants for the last nearly thirty five years, by paying rents regularly to the second respondent. It is also stated that they do not have any other lands or any other source of income. While so, the second respondent issued a notification in the month of August, 2003, under Section 4 (1) of the Act seeking to acquire the said land to an extent of Ac.3-00, but the petitioner was unaware of the said fact till November, 2004, when the Revenue people measured the lands. Thereafter, the petitioner submitted a detailed representation dated 06-11-2004 and reminder dated 02-06-2005 to the first respondent stating that he had not received any notice which is mandatory under the Act and that there are several other lands available for the purpose for which the notification under Section 4(1) of the Act was issued.

The grievance of the petitioner is that though he submitted representations, the first respondent has failed to take any steps. Hence, the writ petition.

The learned Government Pleader for Revenue appearing for the first respondent submitted that in pursuance of the impugned notification issued under Section 4 (1) of the Act, the Government has taken possession of the land-in-question on 10-05-2005.

A perusal of the material on record shows that the petitioner filed the writ petition without producing a copy of the impugned notification issued under 4(1) of the Act.

Having heard both the counsel and perused the material on record and in view of the facts and circumstances of the case, especially in view of the fact that the Government has already taken possession of the land-in-question, I see no reason to entertain the writ petition and the same fails.

The writ petition is accordingly dismissed. No costs.

(ELIPE DHARMA RAO, J)

Date:29-06-2005

ghn

To

1 The Revenue Divisional officer, Kakinada, East Godavari District.
2 The Executive Officer, Sri Venugopala Swamy Temple, Vendra (V), Pedapudi(M), East Godavari Dist.

3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)